

### **REMARKS/ARGUMENTS**

Claim 5 was rejected under 35 U.S.C. §101 because the claimed invention is allegedly directly to non-statutory subject matter. Reconsideration of the rejection is respectfully requested.

Claim 5 has been amended to overcome the rejection.

Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, U.S. Patent No. 6,816,804 B1. Reconsideration of the rejection is respectfully requested.

Independent claims 1, 3, and 5 have been amended to provide that the vehicle speed is determined based on at least one of a rate of rotation of at least one non-driven wheel of the vehicle and a value of the vehicle speed received from a vehicle radar system or based on a mean value of at least two of the rate of rotation of the at least one non-driven wheel of the vehicle, a value of the vehicle speed received from a positioning system and the value of the vehicle speed received from the vehicle radar system. Antecedent basis for the amendment to independent claims 1, 3, and 5 is found in the specification, for example, on page 10, lines 1-24.

Lee does not appear to disclose, teach, or suggest the determination of vehicle speed based on at least one of a rate of rotation of at least one non-driven wheel of the vehicle and a value of a vehicle speed received from a vehicle radar system, as required by independent claims 1, 3, and 5.

Furthermore, Lee does not appear to disclose, teach, or suggest the determination of a vehicle speed based on the mean value of at least two of a rate of rotation of at least one non-driven wheel of the vehicle, a value of the vehicle speed received from a positioning system, and a value of the vehicle speed received from a vehicle radar system, as required by independent claims 1, 3, and 5.

Instead, Lee appears to use a vehicle approximated velocity, sensor signals, and noise covariance or reliability of vehicle sensor signals to determine an estimated velocity of the vehicle, (see Abstract).

Since each of claims 2, 4, and 6-8 is directly or indirectly dependent upon one of independent claims 1, 3, and 5, each of claims 2, 4, and 6-8 is allowable for at least the same reasons recited above with respect to the allowability of the appropriate one of independent claims 1, 3, and 5.

In view of the foregoing amendments and remarks, allowance of claims 1-8 is respectfully requested.

Respectfully submitted,

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SYSTEM ON September 25, 2009.

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